D.B.CIVIL SPECIAL APPEAL (W) NO. 678/2007

Jugesh Aspal

v.

The Institute of Labour Development & anr.

Date of order : 09.05.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

. . .

Shri Jugesh Aspal, appellant present in person

Heard the appellant in person.

This special appeal is directed against the order of the learned Single Judge vacating the stay while disposing of the application under Article 226 (3) of the Constitution.

The subject matter of challenge in the writ petition is the order of the Institute of Labour Development, respondent no.1 herein, terminating the services of the appellant during probation period. Stay of such an order may virtually amount to allowing the writ petition without adjudication as the effect of stay will be reinstatement of the appellant. It is well settled that the Court should refrain from passing interim order which may result in granting relief sought in the main petition/appeal. In that view of the matter, we do not find any error in the order of the learned Single Judge vacating the stay.

Appeal is dismised.

We have not gone into the question whether Institute of Labour Development is 'State' within the meaning of Article 12 of the Constitution of India which may be considered if necessary, at the appropriate stage by the learned Single Judge.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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